



**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

_____)	
IN RE PHARMACEUTICAL INDUSTRY)	M.D.L. NO. 1456
AVERAGE WHOLESALE PRICE)	CIVIL ACTION NO. 01-12257-PBS
LITIGATION)	
_____)	

_____)	
THIS DOCUMENT RELATES TO)	
01-CV-12257-PBS and 01-CV-339)	
_____)	

AFFIDAVIT OF JOHN CERVIONE

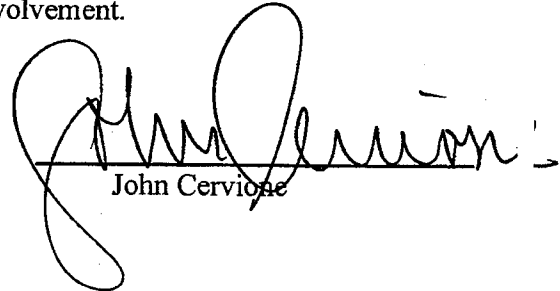
STATE OF NEW JERSEY)
) ss:
COUNTY OF SOMERSET)

John Cervione, being duly sworn, deposes and says:

1. I am Senior Director, Trade Development and Direct Sales, at Aventis Pharmaceuticals Inc. ("Aventis"), and I have held this position since January 2002. The responsibilities I oversee include the reporting of prices and price changes for Aventis products to direct purchaser customers and to various pricing publications, including First DataBank and Redbook.
2. Aventis has not reported Average Wholesale Price ("AWP") for its products since prior to August 2001. Effective with our pricing action dated August 2, 2001, and continuing forward, Aventis has reported only "Wholesale List Price" for its products. Wholesale List Price is sometimes referred to as "wholesale acquisition cost" or "WAC."
3. Even though Aventis no longer reported AWP, the pricing publications continued to publish AWP for Aventis products. Prior to 2002, First DataBank published prices

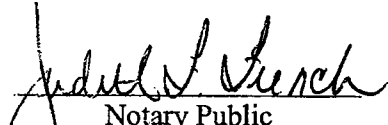


indicating a 20% spread between WAC and AWP for many Aventis products. Beginning in 2002, we learned that First DataBank had changed the spreads on many Aventis products from 20% to 25%. In March 2002, we contacted our liaison at First DataBank, who informed us that First DataBank intended to publish AWP prices that were 25% above WAC for all Aventis products. Aventis did not suggest or direct First DataBank to publish an AWP for Aventis's products that was 125% of WAC. That unilateral decision was made by First DataBank without Aventis's involvement.

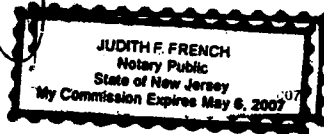


John Cervione

Sworn to before me this
18th day of February 2004



Notary Public



JUDITH F. FRENCH
Notary Public
State of New Jersey
My Commission Expires May 6, 2007